

## Burgos, Alexander N

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**Subject:** FW: 25 NCAC 01E - Request for Changes - November 2025

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**From:** Mazza, Denise H <denise.mazza@nc.gov>  
**Sent:** Tuesday, December 16, 2025 2:36 PM  
**To:** Miller, Christopher S <christopher.miller@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>  
**Subject:** RE: 25 NCAC 01E - Request for Changes - November 2025

Chris,

The SHRC did meet on Thursday, December 11, 2025. The SHRC will be able to send you a draft rule and response by EOD December 21, 2025.

**Denise H. Mazza**  
Paralegal/Contract Specialist  
Desk: 984-236-0823  
[denise.mazza@nc.gov](mailto:denise.mazza@nc.gov)



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tate official.

## Burgos, Alexander N

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**Subject:** FW: 25 NCAC 01E - Request for Changes - November 2025

---

**From:** Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>  
**Sent:** Friday, December 12, 2025 10:38 AM  
**To:** Mazza, Denise H <[denise.mazza@nc.gov](mailto:denise.mazza@nc.gov)>; Thomas, Blake <[Blake.Thomas@nc.gov](mailto:Blake.Thomas@nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>  
**Subject:** RE: 25 NCAC 01E - Request for Changes - November 2025

Good morning Denise,

I see that SHRC was scheduled to meet yesterday, December 11, 2025. Is this accurate? I note that per the statute, G.S. 150B-21.12, the commission has “30 days after receiving the Commission's statement of objection or within 10 days after the board or commission's next regularly scheduled meeting, whichever comes later,” to address the objection. As such, do you think you will be able to get me a draft rule and response **by EOD December 21, 2025**? The statute does not provide for any way to extend this statutory deadline.

Thanks,  
Chris

---

**From:** Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>  
**Sent:** Thursday, December 11, 2025 2:30 PM  
**To:** Mazza, Denise H <[denise.mazza@nc.gov](mailto:denise.mazza@nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Thomas, Blake <[Blake.Thomas@nc.gov](mailto:Blake.Thomas@nc.gov)>; Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>  
**Subject:** RE: 25 NCAC 01E - Request for Changes - November 2025

Thanks, Denise. Nothing else is needed for now. I believe the rule will remain on the Agenda for December but will just be a No Action item for the Commission, but let me confirm with my colleagues. I will get back to you.

Best,  
Chris

### Chris Miller

Rules Review Commission Counsel  
North Carolina Office of Administrative Hearings | Rules Division  
1711 New Hope Church Road  
Raleigh, NC 27609  
(984) 236-1935

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---

**From:** Mazza, Denise H <[denise.mazza@nc.gov](mailto:denise.mazza@nc.gov)>

**Sent:** Tuesday, December 9, 2025 2:53 PM

**To:** Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Thomas, Blake <[Blake.Thomas@nc.gov](mailto:Blake.Thomas@nc.gov)>

**Subject:** RE: 25 NCAC 01E - Request for Changes - November 2025

Chris,

I confirmed with Blake that OSHR would like to move this agenda item to the January 2026 RRC meeting. We believe that will give us the additional time we need to address the objection.

Please let me know if we need to do any thing other than this email request to make this happen.

Thanks!

Denise

**Denise H. Mazza**

Paralegal/Contract Specialist

Desk: 984-236-0823

[denise.mazza@nc.gov](mailto:denise.mazza@nc.gov)



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**To:** Miller, Christopher S <christopher.miller@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>  
**Subject:** RE: 25 NCAC 01E - Request for Changes - November 2025

Chris,

I confirmed with Blake that OSHR would like to move this agenda item to the January 2026 RRC meeting. We believe that will give us the additional time we need to address the objection.

Please let me know if we need to do any thing other than this email request to make this happen.

Thanks!

Denise

**Denise H. Mazza**  
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## Burgos, Alexander N

---

**Subject:** FW: 25 NCAC 01E - Request for Changes - November 2025

---

**From:** Mazza, Denise H <denise.mazza@nc.gov>  
**Sent:** Friday, December 5, 2025 2:30 PM  
**To:** Miller, Christopher S <christopher.miller@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>  
**Subject:** RE: 25 NCAC 01E - Request for Changes - November 2025

Hi Chris.

I spoke with Alex about this earlier today. Blake may need to move this from the December 2025 RRC meeting. Following up on this with Blake and will be back in touch soon.

Denise

**Denise H. Mazza**  
Paralegal/Contract Specialist  
Desk: 984-236-0823  
[denise.mazza@nc.gov](mailto:denise.mazza@nc.gov)



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**From:** Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>  
**Sent:** Friday, December 5, 2025 2:26 PM  
**To:** Thomas, Blake <[Blake.Thomas@nc.gov](mailto:Blake.Thomas@nc.gov)>; Mazza, Denise H <[denise.mazza@nc.gov](mailto:denise.mazza@nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>  
**Subject:** RE: 25 NCAC 01E - Request for Changes - November 2025

Hi Blake and Denise,  
Checking in on this – do you think you’ll have a draft of the revised rule for me next week? As a reminder, the RRC Meeting will be on December 18, 2025, at 10:00 am.  
Thanks and have a good weekend,  
Chris

**Chris Miller**  
Rules Review Commission Counsel  
North Carolina Office of Administrative Hearings | Rules Division  
1711 New Hope Church Road

Raleigh, NC 27609  
(984) 236-1935

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## Burgos, Alexander N

---

**Subject:** FW: 25 NCAC 01E - Request for Changes - November 2025  
**Attachments:** RRC\_chapter 05 rules.doc

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**From:** Miller, Christopher S <christopher.miller@oah.nc.gov>  
**Sent:** Wednesday, November 19, 2025 9:39 PM  
**To:** Thomas, Blake <Blake.Thomas@nc.gov>; Mazza, Denise H <denise.mazza@nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>  
**Subject:** RE: 25 NCAC 01E - Request for Changes - November 2025

Questions like this are pretty common during the RRC meetings. If this issue is raised at tomorrow's RRC meeting, your explanation may alleviate the Commissioner's concern regarding any ambiguity, and the rule could pass. If instead the rule is objected to by the Commission over any concerns, the rule is returned to the agency and the agency can then make revisions to address RRC's objection. Assuming the revisions would be quick and minor, the rewritten rule could then be raised again at the December 2025 RRC meeting.

I've attached a copy of RRC's rules for your reference. Specifically, 26 NCAC 05 .0107 and .0108 discuss this process.

Let me know if you have any other questions.

Best,  
Chris

---

**From:** Thomas, Blake <Blake.Thomas@nc.gov>  
**Sent:** Wednesday, November 19, 2025 4:15 PM  
**To:** Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>; Mazza, Denise H <[denise.mazza@nc.gov](mailto:denise.mazza@nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: 25 NCAC 01E - Request for Changes - November 2025

Christopher, thanks very much for the heads-up. I will attend the meeting tomorrow morning and will be prepared to answer any questions about what this means in practice.

We're always happy to adjust the text of a rule to clarify potential ambiguities. What is the process for any resulting changes when a Commissioner raises an issue like this at the meeting? Obviously, there isn't time to work through a clarification before this week's meeting. Do the Commissioners prefer for the rule to be displaced until a later meeting and for the agency, in the time between meetings, to develop alternative text that could meet the Commissioner's question? Or is there another procedure that is used in these circumstances?

Thanks again for your note.  
--Blake



**Blake Thomas**

General Counsel

North Carolina Office of State Human Resources

Desk: (984) 236-0822 Cell: (704) 315-3823

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## **Burgos, Alexander N**

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**Subject:** FW: 25 NCAC 01E - Request for Changes - November 2025

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**From:** Miller, Christopher S <christopher.miller@oah.nc.gov>

**Sent:** Tuesday, November 18, 2025 3:23 PM

**To:** Mazza, Denise H <denise.mazza@nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

**Subject:** RE: 25 NCAC 01E - Request for Changes - November 2025

Good afternoon Denise,

Just a heads up – I did receive a preliminary question from a Commissioner regarding rule 25 NCAC 01E .1006. Specifically, in (3), you use the language “must ensure receipt” of compensatory leave. The Commissioner did not understand what this language meant and views it as being potentially ambiguous. So, you may receive some questions on this at Thursday’s meeting.

Thanks,

Chris

**Chris Miller**

Rules Review Commission Counsel

North Carolina Office of Administrative Hearings | Rules Division

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## Burgos, Alexander N

---

**Subject:** FW: 25 NCAC 01E - Request for Changes - November 2025

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**From:** Mazza, Denise H <denise.mazza@nc.gov>  
**Sent:** Wednesday, November 12, 2025 8:28 AM  
**To:** Miller, Christopher S <christopher.miller@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>  
**Subject:** RE: 25 NCAC 01E - Request for Changes - November 2025

Thank Chris. Will do.

**Denise H. Mazza**  
Paralegal/Contract Specialist  
Desk: 984-236-0823  
[denise.mazza@nc.gov](mailto:denise.mazza@nc.gov)



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## Burgos, Alexander N

---

**Subject:** FW: 25 NCAC 01E - Request for Changes - November 2025

---

**From:** Miller, Christopher S <christopher.miller@oah.nc.gov>

**Sent:** Monday, November 10, 2025 1:56 PM

**To:** Mazza, Denise H <denise.mazza@nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

**Subject:** RE: 25 NCAC 01E - Request for Changes - November 2025

Thank you, Denise. I am satisfied with the changes and responses.

To note, the final version of the rules should not include Track Changes. Rather, make sure all changes are done manually using strikethroughs, underlines, and highlighting. Please then email the final revised versions of these rules to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) for RRC review. Please copy me and [alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov) to the email.

Thanks,

Chris

**Chris Miller**

Rules Review Commission Counsel

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## Burgos, Alexander N

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**Subject:** FW: 25 NCAC 01E - Request for Changes - November 2025  
**Attachments:** Response to Requests for Changes - 25 NCAC 01E - Miller.pdf; 25 NCAC 01E .1006 Compensatory Time rev 2.docx; 25 NCAC 01E .1801 Policy rev2.docx; 25 NCAC 01E .1802 Definitions rev2.docx; 25 NCAC 01E .1804 Eligibility Requirement rev2.docx; 25 NCAC 01E .1808 Transfer rev2.docx; 25 NCAC 01E .1809 Use of Leave rev2.docx

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**From:** Mazza, Denise H <denise.mazza@nc.gov>  
**Sent:** Friday, November 7, 2025 4:24 PM  
**To:** Miller, Christopher S <christopher.miller@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>  
**Subject:** RE: 25 NCAC 01E - Request for Changes - November 2025

Mr. Miller,

Attached is OSHR's response to Requests for Changes in 25 NCAC 01E and the associated rules revised as directed or per OSHR's responses.

Please let us know if you need anything further.

Denise

**Denise H. Mazza**  
Paralegal/Contract Specialist  
Desk: 984-236-0823  
[denise.mazza@nc.gov](mailto:denise.mazza@nc.gov)



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1 25 NCAC 01E .1006 IS AMENDED WITH CHANGES AS PUBLISHED IN 40:1 NCR 27 AS FOLLOWS:

2  
3 25 NCAC 01E .1006 COMPENSATORY TIME

4 Under the state's overtime compensation policy certain employees are designated as administrative, executive or  
5 professional. Employees in these categories are exempt from the provision for overtime pay. To grant these  
6 employees ~~compensating~~ compensatory time is a decision that must be made by the agency head. When  
7 compensatory time is granted to administrative, executive or professional employees, the following shall apply:

- 8 (1) Amount. Compensatory time is awarded at a rate not to exceed the individual's straight time  
9 equivalent ~~rate~~. ~~rate~~;
- 10 (2) Non-cumulative. Compensatory time is not cumulative beyond a 12-month period. For this reason,  
11 an employee must be required to take compensatory time as soon as possible after it is ~~credited~~.  
12 ~~eredit~~;
- 13 (3) Transferable. Compensatory time, up to 160 hours, may be transferred to another state agency,  
14 subject to approval by the receiving agency head. Agencies who agree to receive compensatory  
15 time from another state agency must ensure receipt of compensatory leave and administer it  
16 consistently and equitably. ~~is administered consistently and equitably.~~ Administering the receipt of  
17 compensatory leave "consistently and equitably," for purposes of this Rule, means treating  
18 employees who are in the same situation the same way, regardless of their race, ethnicity, or other  
19 non-work-related characteristics.

20 (3)(4) Non-transferable. Compensatory time is not transferable to any other type of ~~leave-leave~~. ~~or to~~  
21 ~~another agency~~; and

22 (4)(5) Separation. Compensatory time is lost when an employee is separated from state service. The  
23 employee's separation date shall not be changed in order to pay for compensatory time.

24 History Note: Authority G.S. ~~126-4(5)~~ ~~126-4~~

25 Eff. February 1, 1976;

26 Amended Eff. August 1, ~~2009~~ ~~2009~~;

27 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,  
28 ~~2016~~ ~~2016~~;

29 Amended Eff. December 1, 2025.

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25 NCAC 01E .1801 IS AMENDED WITH CHANGES AS PUBLISHED IN 40:1 NCR 28 AS FOLLOWS:

25 NCAC 01E .1801 POLICY

- (a) Incentive leave may be used as a recruitment tool to assist in the employment of candidates ~~individuals who are middle or late career applicants~~ employed outside of State government and who are interested in accepting employment within North Carolina State government, with the State of North Carolina.
- (b) An agency may award incentive leave to ~~a middle or late career applicant~~ applicants who ~~is~~ are newly appointed to a position that the agency has identified as critical to the agency mission and for which the agency has documented recruitment difficulty attracting qualified applicants, or who ~~is~~ are newly appointed to an executive management position.

*History Note: Authority G.S. ~~126-4;~~ [126-4(5);]126-4(4) and 4(5);*

*Eff. January 1, 2011;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016. 2016;*

*Amended Eff. December 1, 2025.*

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25 NCAC 01E .1802 IS AMENDED WITH CHANGES AS PUBLISHED IN 40:1 NCR 30 AS FOLLOWS:

25 NCAC 01E .1802 DEFINITIONS

As used in this Section:

(1) Employed Outside of State Government means ~~employed with an organization that is not part of the State of North Carolina government or not employed with an organization for which the State currently accepts transferred accrued vacation leave upon hire.~~

(2) Executive Management Position means a senior management position that reports directly to an appointed or elected agency head and is delegated authority to make decisions that impact the overall direction of the agency and whose duties typically involve planning, strategy, policy-making and line management. Typical job titles include chief executive officer, chief operating officer, chief financial officer, and deputy secretary.

(3) Middle-Management Position means a position that reports directly to an executive management position and supervises lower-level management positions and is delegated authority to make decisions that impact the overall direction of a department or division of an agency and whose duties typically involve program planning and coordination, organization structure, determining goals and standards, determination and interpretation of policy, and fiscal control.

(4) Middle or Late Career Applicant means an applicant with 10 or more years of directly related experience in their profession.

(3)(2)(5) Newly Appointed means the initial appointment as an employee of the State of North Carolina, or an appointment following a break in service of at least 12 months from a previous appointment as an employee of the State of North Carolina.

(4)(3)(6) Recruitment Difficulty-Difficulties means positions that are highly competitive in the labor market due to specialized competencies, licenses, or certifications, or geographic location or those positions in which there is a high turnover which impacts the agency's efforts to recruit and provide services. Recruitment typically involves active recruitment efforts utilizing multiple recruitment resources that require an extended period of recruitment and results in a limited qualified applicant pool.

History Note: Authority G.S. ~~126-4~~; 126-4(5);

Eff. January 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, ~~2016~~ 2016;

Amended Eff. December 1, 2025.

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1 25 NCAC 01E .1804 IS AMENDED WITH CHANGES AS PUBLISHED IN 40:1 NCR 31 AS FOLLOWS: |  
2  
3 25 NCAC 01E .1804 ELIGIBILITY REQUIREMENTS  
4 To be eligible for incentive leave, the employee must be newly appointed and have the following:  
5 (1) All qualification and competency requirements of the position; and  
6 (2) ~~At least 10 years of experience that is directly related to the position; and~~  
7 (2)(3) A full-time or part-time (half-time or more) permanent, probationary or time-limited |  
8 appointment.  
9 *History Note:* Authority G.S. 126-4; 126-4(5);  
10 Eff. January 1, 2011;  
11 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,  
12 2016; 2016;  
13 Amended Eff. December 1, 2025. |

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1 25 NCAC 01E .1808 IS AMENDED WITH CHANGES AS PUBLISHED IN 40:1 NCR 32 AS FOLLOWS:

2  
3 25 NCAC 01E .1808 TRANSFER

4 ~~If the employee transfers to a State SPA or EPA position, unused~~ Unused incentive leave may be transferred subject  
5 to the receiving agency's approval. If incentive leave is not transferred, it shall not be paid out in a lump sum.

6 *History Note* Authority G.S. ~~126-4;~~ 126-4(5);

7 *Eff. February 1, 2011;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*

9 ~~2016-2016;~~

10 *Amended Eff. December 1, 2025.*

## Burgos, Alexander N

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**Sent:** Monday, November 10, 2025 1:56 PM

**To:** Mazza, Denise H <denise.mazza@nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

**Subject:** RE: 25 NCAC 01E - Request for Changes - November 2025

Thank you, Denise. I am satisfied with the changes and responses.

To note, the final version of the rules should not include Track Changes. Rather, make sure all changes are done manually using strikethroughs, underlines, and highlighting. Please then email the final revised versions of these rules to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) for RRC review. Please copy me and [alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov) to the email.

Thanks,

Chris

**Chris Miller**

Rules Review Commission Counsel

North Carolina Office of Administrative Hearings | Rules Division

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1 25 NCAC 01E .1809 IS AMENDED WITH CHANGES AS PUBLISHED IN 40:1 NCR 32 AS FOLLOWS:

2  
3 25 NCAC 01E .1809 USE OF LEAVE

4 ~~Vacation~~ Incentive leave shall be taken only upon authorization of the agency head or designee.

5 *History Note: Authority G.S. ~~126-4~~; 126-4(5);*

6 *Eff. February 1, 2011;*

7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*

8 *~~2016-2016~~;*

9 *Amended Eff. December 1, 2025.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1006

**DEADLINE FOR RECEIPT: November 7, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(3), line 15: Is the use of the word "receipt" here correct? Is this supposed to mean, "... must ensure receipt of compensatory leave and administer it consistently and equitably."?*

Yes. We have made this change, along with the change resulting from your comment to line 16 below, in the enclosed retyped rule.

*(3), line 16: What does "consistently and equitably" mean in this context? As written, the rule is vague.*

In response to your comment, we have added in the enclosed retyped rule an additional sentence reading, "Administering the receipt of compensatory leave 'consistently and equitably,' for purposes of this Rule, means treating employees who are in the same situation the same way, regardless of their race, ethnicity, or other non-work-related characteristics."

*History Note: Can you be more specific as to your statutory authority? Pointing to all of Chapter 126 is too broad.*

Thank you for spotting this issue. This was a typo in the N.C. Register posting. The statutory authority should be G.S. 126-4(5). This is changed in the enclosed retyped rule.

*History Note: This is not complete. Please update accordingly. The current version of the codified rule includes all of the following information:*

*Authority G.S. 126-4;  
Eff. February 1, 1976;  
Amended Eff. August 1, 2009;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

Christopher S. Miller  
Commission Counsel

Date submitted to agency: October 29, 2025



| [The history note has been modified in the enclosed retyped rule.](#)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller  
Commission Counsel  
Date submitted to agency: October 29, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1801

**DEADLINE FOR RECEIPT: November 7, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(b), line 9: Change "is" to "are".*

[This change has been made in the enclosed retyped rule.](#)

*History Note: Consider adding 126-4(4) to your statutory authority.*

[In the enclosed retyped rule, 126-4\(4\) has been added to the statutory authority.](#)

*History Note: Effective date would be December 1, 2025, unless otherwise indicated. Please update.*

[This change has been made in the enclosed retyped rule.](#)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller  
Commission Counsel

Date submitted to agency: October 29, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1802

**DEADLINE FOR RECEIPT: November 7, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Lines 8-12: The term "Executive Management Position" is still used in amended Rule .1801. Are you sure you want to delete this definition?*

[Thank you for catching this issue. The definition of "Executive Management Position" has been restored in the enclosed retyped rule.](#)

*History Note: Effective date would be December 1, 2025, unless otherwise indicated. Please update.*

[This change has been made in the enclosed retyped rule.](#)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller  
Commission Counsel

Date submitted to agency: October 29, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1804

**DEADLINE FOR RECEIPT: November 7, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*New (2): Consider adding an oxford comma after “probationary”.*

[This change has been made in the enclosed retyped rule.](#)

*History Note: Effective date would be December 1, 2025, unless otherwise indicated. Please update.*

[This change has been made in the enclosed retyped rule.](#)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller  
Commission Counsel

Date submitted to agency: October 29, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1808

**DEADLINE FOR RECEIPT: November 7, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*History Note: Effective date would be December 1, 2025, unless otherwise indicated. Please update.*

[This change has been made in the enclosed retyped rule.](#)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller  
Commission Counsel

Date submitted to agency: October 29, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1809

**DEADLINE FOR RECEIPT: November 7, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*History Note: Effective date would be December 1, 2025, unless otherwise indicated. Please update.*

[This change has been made in the enclosed retyped rule.](#)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller  
Commission Counsel

Date submitted to agency: October 29, 2025

## Burgos, Alexander N

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**From:** Miller, Christopher S  
**Sent:** Wednesday, October 29, 2025 4:13 PM  
**To:** Thomas, Blake; Mazza, Denise H  
**Cc:** Burgos, Alexander N; Miller, Christopher S  
**Subject:** 25 NCAC 01E - Request for Changes - November 2025  
**Attachments:** Requests for Changes - 25 NCAC 01E - Miller.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the State Human Resources Commission for the November 2025 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, November 20, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit your responses, and the revised Rules, to me via email, no later than 5 p.m. on November 7, 2025.

Please let me know if you have any questions or concerns.

Thanks,

**Chris Miller**

Rules Review Commission Counsel  
North Carolina Office of Administrative Hearings | Rules Division  
1711 New Hope Church Road  
Raleigh, NC 27609  
(984) 236-1935

**NOTICE:** E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

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